

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA**

IN THE MATTER OF THE SEARCH OF  
ELECTRONIC COMMUNICATIONS IN  
THE ACCOUNT  
[jesserbenton@gmail.com](mailto:jesserbenton@gmail.com)

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\* CASE NO. 4:14-MC-36  
\*  
\* **UNDER SEAL**  
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\* **ORDER DENYING JESSE BENTON'S**  
\* **MOTION TO QUASH SEARCH**  
\* **WARRANT**

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The Court has before it Jesse R. Benton's Motion to Quash Search Warrant (Doc. No. 2). The Government filed an opposition to the motion (Doc. No. 7) and counsel for Mr. Benton filed a reply in support of the Motion (Doc. No. 8). The Court held oral argument regarding the Motion on June 4, 2015. The Court considers the matter to be fully submitted.

On July 24, 2014, Magistrate Judge Thomas J. Shields issued a search warrant authorizing law enforcement to search the email account [jesserbenton@gmail.com](mailto:jesserbenton@gmail.com) for evidence of suspected criminal violations of federal campaign finance laws and related statutes. The warrant was issued on the application of FBI Special Agent Karen LoStracco, supported by her sworn affidavit. At the time the Court issued the warrant, the Court authorized delayed notification of the account holder, Jesse R. Benton, for 30 days pursuant to 18 U.S.C. Sections 2705 and 3103(a).

After the warrant was served on Google, Inc., legal counsel for Google requested additional time to comply with the warrant, which request was granted. Google then notified Special Agent LoStracco that counsel for Mr. Benton had indicated that Mr. Benton intended to object to the enforcement of the warrant<sup>1</sup> and Google indicated that they would not produce information in

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<sup>1</sup>The Record does not establish how Benton's counsel became aware of the warrant given the Court's authorization of delayed notification.

response to the warrant until the objections had been made and resolved. Subsequently, the present Motion to Quash was filed.

In the Motion to Quash, Mr. Benton requests that the Court quash the search warrant in its entirety for lack of probable cause pursuant to Amendment IV of the U.S. Constitution and 18 U.S.C. Section 2703(d), or, alternatively order the Government to narrow the scope of the warrant. The Government resists the motion to quash by noting that Mr. Benton is the subject of an ongoing Federal Grand Jury investigation.<sup>2</sup> The Government further noted that Mr. Benton has not cited to any, and there is no, legal authority that would support quashing the warrant to Google at this juncture in the proceedings. Additionally, the Government points out that Magistrate Judge Shields conducted a probable cause review at the time he authorized the issuance of the search warrant. The Government also notes that it will follow a two-step process for execution of warrants dealing with electronically stored evidence which comports with Rule 41 of the Federal Rules of Criminal Procedure, as well as special search procedures regarding attorney-client privileged materials.

The Court agrees with the reasons and arguments raised by the Government in its written and oral submissions. Accordingly, the Court **denies** Mr. Benton's Motion to Quash Search Warrant (Doc. No. 2).

**IT IS SO ORDERED.**

Dated August 10, 2015.

  
HELEN C. ADAMS  
UNITED STATES MAGISTRATE JUDGE

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<sup>2</sup>On July 30, 2015, the Grand Jury returned an indictment charging Mr. Benton with Conspiracy, Causing False Records, Causing False Campaign Expenditure Reports, and Making False Statements. Those charges are related to the same investigation as the search warrant at issue. There were two co-defendants also charged in the same indictment.